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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,166	09/30/2003	Lorne C. Hinz	15997RRUS01U	6777

7590
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P.O. Box 670007
Dallas, TX 75367

05/02/2007

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,166

Applicant(s)

HINZ, LORNE C.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,4 and 23-28 is/are allowed.
- 6) ☒ Claim(s) 5,7-13 and 17 is/are rejected.
- 7) ☒ Claim(s) 14-16 and 18-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US006330454) in view of Evensen et al (US006097945A).

Regarding claims 5, 17, Verdonk discloses a method in one of a Home Location Register, comprising; determining a last known location for the called party mobile station (col. 2, lines 33-39, teach requesting from the HLR location of the mobile unit, as the whereabouts of the recently mobile unit, which reads on determining last known location of called party); determining a local time for the last known location for the called party mobile station (col. 2, lines 40-59, teach most recent locate request for the mobile information based on approximate location of the unit. Note that lines 48-59 teach converting to time-stamp the location information, which read on local time for last known location of mobile); and producing a local time corresponding to a last known location for the calling party mobile switching center (col. 49-64, teach the serving MSC retrieving the last location with time-stamp, which reads on producing a local time of location to the MSC), but is silent on receiving call set-up signals for a called party mobile station.

Evensen teaches a subscriber A calling a subscriber B (col. 2, lines 38-45).

It would have been obvious to one skilled in the art at the time of the invention to modify Verdonk, such that receiving a communication to a called station, provides means to call a personal number instead of the location where the called party is.

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US006330454) in view of Evensen et al (US006097945A) and further in view of Bodlaender (US 20050249023).

Regarding claims 7, 8, the combination of Verdonk and Evensen discloses claim 5, but is silent on receiving and storing an indication from the called party mobile station that a "do not disturb" feature has been activated and indicating to the calling party regarding the "do not disturb" feature.

Bodlaender teaches "do not disturb " mode for devices receiving incoming messages and recording them (pars. 16,17,19).

It would have been obvious to one skilled in the art at the time of the invention to modify Verdonk, sending a message to provide means for not disturbing the called party.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US006330454) in view of Evensen et al (US006097945A).

Regarding claim 9, Johansson discloses a method in a home location register, comprising: determining a local time responsive to receiving the local time request signal (col. 2, lines 40-59, teach most recent locate request for the mobile information based on approximate location of the unit. Note that lines 48-59 teach converting to time-stamp the location information, which read on local time for last known location of

mobile); and producing the local time to the MSC serving the user equipment terminal for delivery to the user equipment terminal (col. 49-64, teach the serving MSC retrieving the last location with time-stamp, which reads on producing a local time of location to the MSC), but is silent on receiving at least a cell phone number from a serving mobile switching center for a user equipment terminal in a local time request signal.

Evensen teaches a subscriber calling another user of the communications system for locating the user within the system (col. 2, lines 33-45)).

It would have been obvious to one skilled in the art at the time of the invention to modify Verdonk, such that receiving a phone call with the subscriber number, provides means to identify the caller and indicate the authorization for locating the called station.

Regarding claim 10, the combination of Verdonk and Evensen discloses receiving a specified time value and determining a corresponding time value for one of the country code, area code or a last known location for a mobile station corresponding to the cell phone number (Verdonk, col. 2, lines 49-59).

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdonk (US006330454) in view of Evensen et al (US006097945A) and further in view of Johansson et al (US006442391).

Regarding claim 11, the combination of Verdonk and Evensen discloses claim 5/9, but is silent on determining to deliver an SMS message to the user equipment terminal.

Johansson teaches sending a message to the second party, calling party, to indicate that the MS can not be located because of lack permission to be located (col. 6, lines 14-26).

Regarding claim 12, the combination of Verdonk, Evensen and Johansson discloses that the user equipment terminal is an SMS message-capable mobile station (Johansson, col. 6, lines 3-21).

Regarding claim 13, the combination of Verdonk, Evensen and Johansson discloses the message merely provides a time corresponding to the country code or area code (Verdonk, col. 2, lines 40-59, based on the number calling the second party).

Allowable Subject Matter

6. Claims 14-16, 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art teaches determining location of the mobile and protecting the integrity of the user as being established by an outsider against the will of the user and the location is only granted if authorization is found for the mobile to be located and is granted only if the user has permitted to be notified of its location with the authority check including the condition that only certain outsiders may be informed of the location of the mobile station, and wherein the compilation of information relating to the mobile location and transmission of this information to the location node and where the mobile locating node establishes the location of the mobile station and informs the second party of the location. On the

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other hand, the cited prior art, either singularly or in combination, fails to anticipate or render obvious production of the called party serving MSC ID number and a local time for the called party serving MSC and the called party with sending a message number and associated parameters to an IVR to announce the IVR to play a specified IVR message to the calling party and further receiving an indication from the IVR either that the call is to be set up or that a message should be stored and consequently connecting the call between the calling party and the called party, wherein the local time from the called party serving the MSC is determined and providing the local time corresponding to last location for the called party mobile center; all limitations in combination with any other limitation(s) in the claim(s) as defined by the applicant have not been disclosed, taught, or made obvious over the prior art of record..

7. Claims 1, 3-4, 23-28, are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 5-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


4/30/07

Julio R Perez
Examiner
Art Unit 2617


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